THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.1897 OF 2006

Dated:27-03-2006

BETWEEN:

J.Madusudhana Rao Petitioner

And

The Commissioner and Director of Municipalities,

Masabtank,Hyderabad and others Respondents

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THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.1897OF 2006

ORDER:

It is the case of the petitioner that he was initially appointed as Standing Counsel of Parvatipuram Municipality for a period of three years with effect from 25-05-2000 and the said three years period was expired on 24-05-2003. Thereafter, it is stated that the petitioner's term was extended for another three years by proceedings dated 22-

05-2003 and thus the petitioner is entitled to continue as Standing Counsel up to 21-05-2006 .It is stated that the Municipal Council vide resolution No.31, dated 31.12.2005 resolved to cancel the appointment of the petitioner and requested the Bar Council to send necessary applications for appointment of the Standing Counsel. The petitioner questions the said resolution on the ground that as per condition 12 of the Form of Agreement, one calendar month's notice in writing shall be given by either party to the other in case it is desired to terminate this agreement. It is stated that even after passing of resolution on 31-12-2005, the petitioner has been continuously working as Standing Counsel till date. More than three months have been lapsed but no action has been taken by the respondents.

Therefore, I am of the opinion that the writ petition has been filed only on the ground of apprehension, but however, it is always open to the respondents to terminate the agreement if any entered with the petitioner by giving one month notice. If no such agreement was entered with the petitioner, he has no right to continue as Standing Counsel.

The writ petition is accordingly dismissed. No costs.

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V.ESWARAIAH,J

27-03-2006

Stp

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V.ESWARAIAH,J

27-03-2006

Stp